

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

CHART INC.,

Plaintiff,

v.

EXTRON COMPANY,

Defendant.

CASE NO. 1:23-CV-00597-CEF

**JOINT STATUS REPORT OF
THE PARTIES**

Pursuant to the Court's June 20 2024 Order, plaintiff Chart Inc. ("Chart") and defendant Extron Company ("Extron") together (the "Parties") by and through their respective counsel report as follows.

Per previous reporting, the Parties undertook and in-person private mediation of this action on May 14, 2024. To date, the Parties' efforts at mediation have not resulted in settlement although discussions are ongoing. Accordingly, the Parties have begun to meet and confer on a proposed schedule for litigation of this complex action, which arises from complex underlying mass litigation which took place in California in both state and federal court stemming from Plaintiff Chart, Inc.'s design, manufacture, and distribution of a cryogenic tank located at Pacific Fertility Center that allegedly failed resulting in claims for alleged damages to certain eggs and embryos.

Determining the scope and phases of discovery in this case requires detailed discussions amongst the Parties regarding the scope of discovery, depositions, and electronic discovery to be undertaken in this complex action regarding various topics both with respect to the underlying litigation and this matter. The parties are scheduling meet and confer discussions regarding these topics and anticipate being able to provide the court with an initial framework proposal for phased discovery by August 2, 2024.

Accordingly, the Parties hereby stipulate and propose the following schedule:

1. The Parties are to complete their Federal Rules of Civil Procedure 26(f) and 16.3(b) discussions by August 2, 2024 and provide the Court with a joint Report of Parties' Planning Meeting setting forth the parties' proposals regarding discovery in this matter.
2. The Parties suggest a scheduling conference within 21 days of the submission of the joint discovery plan to discuss any differences amongst the Parties with respect to the proposed timing, scope, or phases of discovery and other pre-trial proceedings in the case.

Dated: June 24, 2024

Respectfully submitted,

/s/ D. Austin Bersinger
D. Austin Bersinger (*Admitted Pro Hac Vice*)
Bradley Arant Boult Cummings LLP
Promenade Tower
1230 Peachtree Street N.E., 20th Floor
Atlanta, Georgia 30309
T: (404) 868-0554
abersinger@bradley.com

Attorney for Plaintiff Chart, Inc.

/s/ Eric S. Bravo
ERIC S. BRAVO (0048564)
GORDON REES SCULLY MANSUKHANI, LLP
41 South High Street, Suite 2495
Columbus, Ohio 43215
T: (614) 340-5558
F: (614) 360-2130
ebravo@grsm.com

/s/ James K. Holder
JAMES K. HOLDER (*Admitted Pro Hac Vice*)
GORDON REES SCULLY MANSUKHANI, LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111
T: (415) 875-4192
F: (415) 986-8054
jholder@grsm.com

Attorneys for Defendant Extron Company